

## MEMO ENDORSED

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

LA QUINTA WORLDWIDE, LLC,

Plaintiff,

v.

TRIUMPH HOSPITALITY, LLC,

Defendant.

Civ. Action No. 1:20-cv-4688-LAK

**PLAINTIFF'S NOTICE OF  
MOTION TO DISMISS  
DEFENDANT'S  
COUNTERCLAIMS**

PLEASE TAKE NOTICE that, on the accompanying Memorandum of Law, the Answer and Counterclaim and the pleadings and proceedings had herein, plaintiff, La Quinta Worldwide, LLC, hereby moves under Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss the counterclaims of defendant, Triumph Hospitality, LLC, in their entirety, together with such other and further relief as the Court deems just and proper.

Dated: August 10, 2020

Respectfully submitted,

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Memo Endorsement

La Quinta Worldwide v Triumph Hosp., LLC, 20-cv-4688 (LAK)

Plaintiff moves to dismiss the counterclaims in this trademark infringement case. If the counterclaims are legally sufficient and plaintiff's use is anything but "fair," it is only by the barest of margins. Defendant's likelihood of prevailing on them probably is minimal. In any case, however, it would be preferable to deal with them on fuller record. Accordingly, plaintiff's motion to dismiss the counterclaims [DI 13] is denied.

SO ORDERED.

Dated: September 11, 2020

/s/ Lewis A. Kaplan

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Lewis A. Kaplan  
United States District Judge